IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 4 OF 1995

The State of Maharashtra ..Appellants

versus

Mohamad Sadik Badruddin Patel ..Respondent

Mr. S. N. Gawade, AGP for the Appellants - State.

Mr. D. Purekar i/b. Rajiv Patil for the Respondent.

CORAM : D. G. DESHPANDE,J.

DATE : 9TH FEBRUARY,2005

ORAL ORDER :

1. Heard learned AGP for the Appellants - State and counsel for the Respondent. This appeal is filed by the State challenging grant of compensation under the Land Acquisition Reference under Section 18 of the Act vide Reference No.308 of 1986.

2. The land of the claimant situate at Village Taloja admeausring 5160 sq. meters, was acquired. The notification under Section 4 was dated 9.3.1985. S.L.A.O. granted legal compensation only. Therefore claimant filed Reference. Reference Court

awarded Rs.12/- per sq. meter to the claimant, which according to the appellants - State is on higher side, therefore, this Appeal.

3. At the outset, it was told to both the parties that so far as land at Taloja Panchanand is concerned, this court has decided other Appeals on the basis of the Common Judgment of the Division Bench of our High Court in Group of matters i.e. First Appeal No. 875 of 1985 and others, particularly the appeals arising out of acquisition from Village Taloja Panchanand, the Division Bench has applied one criteria i.e. proximity of acquired land from the National Highway and compensation from Rs.17/- to Rs.25/- for the lands nearer to National Highway was awarded and in a case arising out of acquisition from Village Owe where the land was situate at the distance far away from the National Highway Rs.13/- was awarded. That criteria would be applied in this case and both the parties agree to the same. Counsel for the respondent claimant pointed out that the land acquired in this case is about 3500 sq. meters away from the National Highway and for a land at Owe which away from the National Highway and the distance was 1120 sq. meters the court awarded Rs.13/- per sq. meter. and for land at Taloja, Panvel where there was a distance of 1280 sq. meters from Bombay Pune

National High Way Rs.20/- per sq.meter was granted by the Division Bench and the land which are away, Rs.17/- was granted. Therefore taking that criteria into consideration the land in the present case which is 3500 sq. meters away from the National Highway, grant of Rs.12/- per sq. meter cannot be considered as a higher compensation. Therefore, there is no merit in this Appeal. The Appeal is dismissed. No order as to costs.

9.2.2005 (D.G. DESHPANDE,J.)